

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

F1 AIR, LLC,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No. 05-11508-RCL
)	
KAIZEN AVIATION, INC.,)	
)	
Defendant.)	

**MOTION TO REMOVE DEFAULT AND PERMIT TWENTY
DAYS IN WHICH TO ANSWER OR OTHERWISE RESPOND**

Pursuant to Federal Rule of Civil Procedure 55(c), the defendant, Kaizen Aviation, Inc. ("Kaizen"), respectfully moves this Court to set aside the default entered against it in this matter and to permit Kaizen to answer the complaint or otherwise plead within twenty (20) days hereof. As set forth more fully in the memorandum of law filed herewith, good cause exists to set aside the default as Kaizen's failure to respond in a timely fashion was not willful or in bad faith, the plaintiff will not be prejudiced, Kaizen has meritorious defenses, as well as counter and/or third-party claims, and Kaizen seeks to remedy the default and provide a response to the complaint within a reasonable time after learning of the complaint and the default.

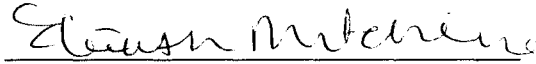
WHEREFORE, Kaizen Aviation, Inc. respectfully requests that this Court, for good cause shown:

- (1) enter an order removing and vacating the September 12, 2005 entry of default against Kaizen in this matter;
- (2) grant Kaizen twenty (20) days within which to answer or otherwise plead; and
- (3) grant such other and further relief that this Court deems appropriate.

Respectfully submitted,

KAIZEN AVIATION, INC.

By its attorneys,



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10 St. James Avenue
Boston, Massachusetts 02116
Telephone: (617) 523-2700

Dated: September 30, 2005

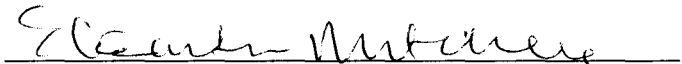
Rule 7.1 Certificate

Counsel for Kaizen certifies that pursuant to Local Rule 7.1 it attempted to resolve the issue presented by this motion by conferring with plaintiff's counsel, but was unable to do so.

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing has been deposited in the U.S. Mail, first class postage prepaid on the 30th day of September 2005 addressed to:

David L. Evans, Esq.
HANIFY & KING
One Beacon Street, 21st Floor
Boston, MA 02108-3107



Elizabeth M. Mitchell